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## NOTICE OF ALLOWANCE AND FEE(S) DUE

44654 7590 03/13/2008

SPRINKLE IP LAW GROUP  
1301 W. 25TH STREET  
SUITE 408  
AUSTIN, TX 78705

EXAMINER

VLAHOS, SOPHIA

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 03/13/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,118

07/09/2003

Vernon R. Brethour

ALER1560-1

2196

TITLE OF INVENTION: METHOD FOR GENERATING COMMUNICATION SIGNAL SEQUENCES HAVING DESIRABLE CORRELATION PROPERTIES AND SYSTEM FOR USING SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$720	\$300	\$0	\$1020	06/13/2008

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

44654 7590 03/13/2008

**SPRINKLE IP LAW GROUP**  
1301 W. 25TH STREET  
SUITE 408  
AUSTIN, TX 78705

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,118 07/09/2003 Vernon R. Brethour ALER1560-1 2196

TITLE OF INVENTION: METHOD FOR GENERATING COMMUNICATION SIGNAL SEQUENCES HAVING DESIRABLE CORRELATION PROPERTIES AND SYSTEM FOR USING SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional YES \$720 \$300 \$0 \$1020 06/13/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
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VLAHOS, SOPHIA 2611 375-130000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,118	07/09/2003	Vernon R. Brethour	ALER1560-1	2196
44654	7590	03/13/2008	EXAMINER	
SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705			VLAHOS, SOPHIA	
			ART UNIT	PAPER NUMBER
			2611	
DATE MAILED: 03/13/2008				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 633 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 633 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability**

Application No.

10/616,118

Examiner

SOPHIA VLAHOS

Applicant(s)

BRETHOUR ET AL.

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/24/08.
2. ☒ The allowed claim(s) is/are 1, 18, 25-28, 44-48, 51-52, 55 (renumbered as 1, 2, 3-6, 7-11, 12-13, 14 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____     | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other ____.   |

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative Ari G. Akmal (51,388) on 2/27/08.

The application has been amended as follows:

**In the claims:** (received on 1/24/2008)

Claim 28, line 15 (after the preamble): delete phrase -- is operable to employ -- , insert phrase --- employs --- after phrase "and wherein the radio transmitter".

Claim 48, line 14 (after the preamble): delete phrase -- is operable to employ -- , insert phrase --- employs --- after phrase "transmitter".

Claim 52, line 11 (after the preamble): delete phrase -- said step of -- before phrase "arraying said", line 12 (after the preamble) delete phrase -- the step of -- before phrase "arraying at least one", line 13 (after the preamble) delete phrase -- is operable to employ -- , insert phrase --- employs --- after phrase "transmitter".

***Allowable Subject Matter***

2. The following is an examiner's statement of reasons for allowance:

The prior art of the record fails to teach or suggest alone or in combination: A method for generating communication signals comprising the steps of: selecting a code length, wherein each chip of said plurality of chips is one of a nonzero value and a zero value, wherein said non value is one of a positive and a negative value; arraying said plurality of chips such that said at least one positive value and said at least one negative value are placed in accordance with a pattern, said pattern being from a family of binary patterns wherein each pattern within said family of binary patterns is substantially orthogonal to substantially all time-shifted versions of each other pattern within said family of binary patterns; as recited in claim 1 and in combination with other steps of the claim.

Claim 1 is allowed.

The prior art of the record fails to teach or suggest alone or in combination: A method for generating a set of communication signal sequences comprising the steps of: defining said set such that all of said communications signal sequences in said set have a code length, said code length comprising a plurality of chips, each of said chips having a value, said value being one of a positive value, a negative value, and a zero value; arraying said chips such that said at least one positive value and said at least one negative value are placed in accordance with a pattern, said pattern being from a family of binary patterns wherein each pattern within said family of binary patterns is

substantially orthogonal to substantially all time-shifted versions of each other pattern within said family of binary patterns; as recited in claim 18 and in combination with other steps of the claim.

Claims 18, 25-27 are allowed.

The prior art of the record fails to teach or suggest alone or in combination: A radio communication system comprising: a radio transmitter; and a radio receiver; said radio transmitter and said radio receiver employing a communications signal having a code length, said code length comprising a plurality of chips, wherein each chip of said plurality of chips is one of a non-zero value and a zero value, and wherein said non-zero value is one of a positive and a negative value, arraying at least one said positive value and at least one said negative value in accordance with a pattern selected from a family of patterns wherein said family of patterns is such that any pattern within said family of pattern is substantially orthogonal to substantially all time-shifted versions of any other pattern within said family of patterns; and wherein the radio transmitter employs the communications signals to generate and transmit a transmission signal, as recited in claim 28 and in combination with other elements of the claim.

Claim 28 is allowed.

The prior art of the record fails to teach or suggest alone or in combination: A method of generating communication signals comprising the steps of: selecting a code length, said code length comprising a plurality of chips, wherein each chip of said plurality of chips is

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one of a nonzero and a zero value, wherein said non-zero value is one of a positive and a negative value; arraying at least one said positive value and at least one said negative value in accordance with a pattern, wherein said pattern is selected from a family of patterns, wherein any pattern within said family of patterns is substantially orthogonal to substantially all time- shifted versions of any other pattern within said family of patterns; as recited in claim 44 and in combination with other steps of the claim.

Claims 44-45 are allowed.

The prior art of the record fails to teach or suggest alone or in combination: A method of generating communication signals comprising the steps of: selecting a code length, said code length comprising a plurality of chips, wherein each chip of said plurality of chips is one of a positive value and a negative value; arraying said plurality of chips wherein: at least one said positive value and at least one said negative value are in accordance with a pattern, wherein said pattern is selected from a family of patterns and wherein said family of patterns is such that any pattern within said family of patterns is substantially orthogonal to substantially all time-shifted versions of any other pattern within said family of patterns, as recited in claim 46 and in combination with other steps of the claim.

Claims 46-47 are allowed.



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The prior art of the record fails to teach or suggest alone or in combination: A radio communication system comprising: a radio transmitter; and a radio receiver; said radio transmitter and said radio receiver employing a communications signal having a code length, said code length comprising a plurality of chips; a code length wherein each chip of said plurality of chips is one of a non-zero value and a zero value, wherein said non-zero value is one of a positive value and a negative value and at least one said positive value and at least one said negative value is arrayed in accordance with a pattern selected from a family of patterns wherein any pattern within said family of patterns is substantially orthogonal to substantially all time-shifted versions of any other pattern within said family of patterns, and wherein the radio transmitter employs the communication signals to generate and transmit a transmission signal as recited in claim 48 and in combination with other elements of the claim.

Claims 48, 51 are allowed.

The prior art of the record fails to teach or suggest alone or in combination:

A radio communication system comprising: a radio transmitter; and a radio receiver said radio transmitter and said radio receiver employing a communications signal having a code length, said code length comprising a plurality of chips, wherein each chip of said plurality of chips is one of a non-zero value and a zero value, and wherein said non-zero value is one of a positive and a negative value, arraying at least one said positive value and at least one said negative value in accordance with a pattern selected from a family of patterns wherein said family of patterns is such that any pattern within said family of

pattern is substantially orthogonal to substantially all time-shifted versions of any other pattern within said family of patterns; and wherein the radio transmitter employs the communications signals to generate and transmit a transmission signal, as recited in claim 28 and in combination with other elements of the claim.

Claims 52, 55 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Richards et. al., (U.S. 6,959,032)

Fullerton et. al., (U.S. 5,677,927)

Barrett (U.S. 5,610,907)

Roberts et. al., (U.S. 6,636,566)

Richards et. al., (U.S. 6,788,730)

Pendergrass et. al., (U.S. 6,937,639)

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Kumar et. al., (U.S. 6,912,240)

Pendergrass et. al., (U.S. 7,145,954)

Khaleghi et. al., (U.S.6,618,430)

Walthall (U.S. 5,353,303).

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SOPHIA VLAHOS whose telephone number is (571)272-5507. The examiner can normally be reached on MTWRF 8:30-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammed Ghayour can be reached on 571 272 3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SOPHIA VLAHOS/  
Examiner, Art Unit 2611  
2/27/2008

/Mohammad H Ghayour/  
Supervisory Patent Examiner, Art Unit 2611